

**DRAFT**

UUP Labor Management Meeting Notes  
February 22, 2021  
Noon-1:30 p.m. Via Zoom Conferencing

Present: R. Andrews, D. Kunkel, S. Massey, B. McGovern, C. Sielaff, A. Wang,  
S. DeClemente-Hammoud, J. Schultz

UUP Chapter President Sean Massey welcomed all to the February 22, 2021, Labor Management Meeting. The meeting began at 12:05 p.m.

**MANAGEMENT**

**Update on the IDA Process**

Joseph Schultz (Management): We are in limbo on this. There is an Improper Practice case with the State and UUP. Is there interest in rolling this program out to let people know it is going to be active or is it something we want to sit out until it makes its way through? Chris indicated there are two things that aren't changing under the focus of this.

Sean Massey (UUP): The discussion at our recent Executive Board meeting was the consensus is we would hold off until it was resolved.

Donald Kunkel (UUP): We discussed it would be approved with written instructions. The Committee has not received instructions from the State or UUP as to what would be approved. We opted to wait until we have a clear path forward.

Christ Sielaff (UUP): We have had some discussion on our end. It would probably be advisable at this time if there were a strong desire to get some of the applications approved and rolled out on a limited basis if we have the ability to do that. There are advantages to having certainty.

Donald Kunkel (UUP): The Committee has met the criteria and application forms are in place. It wouldn't be a big deal to start accepting applications. All of the preliminary work has been done to intake that information.

Joseph Schultz (Management): That works for me.

**UUP**

**Status of Hiring Freeze**

**Request more clarification of hiring exceptions (beyond revenue generating positions).**

Sean Massey (UUP): We were hoping for an update on clarification of the status of the hiring freeze and a bit more about hiring exceptions. One is revenue generating but what

other kinds of exceptions are being made and how are people being made aware of what these exceptions are?

Joseph Schultz (Management): The department has to fill out the form and make a request. In the request they have to make the case related to revenue generating or health and safety. Faculty are related to students so that is easy enough for revenue generating. For other types of positions, some things we have posted. I would say it is a mix between revenue generating and health and safety. In HR we don't actually see these prior to posting. It was formally Michael McGoff and now John Cordi who review these. We are on the back end when the position is approved. They would have to make the case they have the funds to fill it.

Sean Massey (UUP): Does the ability to fulfill their mission translate into revenue generating, if they couldn't pull it off without the position?

Joseph Schultz (Management): If making the case for a faculty position then we have determined, faculty falls under revenue generating, but it doesn't make it an automatic approval. It would qualify as revenue generating.

Sean Massey (UUP): Hypothetically. We have a department with a particular set of requirement goals. Through attrition or not rehiring, contingents or whatever, you have a gap in the labor source in that area. Either that work is being covered by those folks or assigned to other members. The supervisor would have to approve a temporary salary increase or remove some other duties or that work would not get done. Or they would have to hire someone. Those are the solutions that are available.

Joseph Schultz (Management): Yes, basically.

Sean Massey (UUP): Some people have seen a reduction in their staff and the particular workload expectations haven't been shrunk in any way.

Joseph Schultz (Management): We don't know behind the scenes. The Chairs may have a conversation with the Deans and then with the Provost. Yes. Those are the options.

Sean Massey (UUP): If you have a department in which you have lost a couple of faculty members, what happens to those courses? What is the expectation for those courses the academics were responsible for in the past?

Joseph Schultz (Management): There are a number of options. A tenured faculty member left or a full-time faculty member left for next year or a year and a half. An adjunct could be hired and it would be a cost saving. The Dean and the Provost would approve how they are going to handle it.

Sean Massey (UUP): Hire an adjunct, cut those courses, or anyone can take them with the expectation there would be reductions in duties, or they could be compensated in some way.

Joseph Schultz (Management): Yes.

Sean Massey (UUP): A clarification is needed, as there are instances where none of this is being followed. So that I can identify more clearly the areas where there are some problems.

Brendan McGovern (UUP): If someone has been through a search, an adjunct. It was approved through a curricular plan meeting with the Dean or whoever. There is no need to complete the form, if I am correct.

Joseph Schultz (Management): There was a change in the process by the Provost a month or a month and a half ago. Adjuncts no longer have to be put through the process.

Brendan McGovern (UUP): In our department, with two Visiting Assistant Professors, is there a move to switch Visiting Assistant Professors to call them Lecturers moving forward?

Joseph Schultz (Management): We can have a longer conversation if you want outside of this meeting. It was something initiated by the Dean of Harpur College. She looked at Visiting appointments and thought Visiting should be those people who are visiting from other institutions. She looked to move those not visiting from other institutions to Lecturer positions. My understanding is some longer-term visitors remained in Visiting titles. Visitors as Visiting and non-Visitors as Lecturers.

Brendan McGovern (UUP): I have heard some concerns and had feedback from some who have been around for years and some are seeking tenure-track positions elsewhere.

**Relationship of Hiring Freeze to Promotions and Pay Increases**

Concerned that some in upper management have taken the freeze to apply to pay increase requests and increases for internal promotions. One school sent out notice that current promotions will have no financial reward attached to them.

Sean Massey (UUP): We often talk about this in meetings. Since I put this on the agenda, people were coerced or are moving forward in positive ways. Some upper management have related the hiring freeze to any salary increases to promotions. Faculty in Nursing were basically told there would be no monetary compensation for promotions for faculty in a clinical title. Joe you mentioned it is on the radar and there was a committee set up to look into it. Apparently someone must have nudged someone in Nursing, as it moved forward quickly since I asked that question. Another success. I will ask the question once more. The hiring freeze has nothing to do with promotion or compensation for extra work, extra service, or temporary salary increases tied to promotion.

Joseph Schultz (Management): Our process hasn't changed.

Sean Massey (UUP): Has there been any attempts to slow the process down because of the budget?

Joseph Schultz (Management): We dealt with one supervisor who thought, my god the budget is terrible. It was explained to the supervisor that it is a side issue. We follow the same process whether the budget is terrible or it is wonderful. Sara has a stack of them on her desk.

Sean Massey (UUP): Has anyone in UUP heard any complaints of people being discouraged from requesting or moving forward other than the Nursing program? No? Ok, good. We can move forward.

### **Requests for Salary Adjustments**

UUP is not currently notified when requests for increases are denied. Need some transparency on the steps and outcomes in the process. Would like to discuss a process by which we can review these.

Sean Massey (UUP): One of the things we have had to field is people who have been assigned extra work and put in a request for a salary adjustment. Sometimes these are denied. Can you remind me of the process that we would go through when a request is sent in?

Joseph Schultz (Management): In a nutshell any denial below the President depending on if an employee initiated it in January or June, or by an immediate supervisor. Any level below the President. If it is denied, it could be appealed through the campus committee.

Donald Kunkel (UUP): My understanding of the process is the employee should be notified at each step all the way up. Who is responsible for notifying the employee?

Joseph Schultz (Management): That is a tough one. When people ask for the status, they call us and then we find out where the petition is.

Donald Kunkel (UUP): I think the contract states they should be contacted at each step.

Joseph Schultz (Management): I don't think it does. If someone contacts us, we will figure out where the petition is.

Donald Kunkel (UUP): That would be helpful. For the 45 days there is a lot of anxiety developed if they are not informed.

Sean Massey (UUP): Maybe there could be a revision to the process that we could come up with so there is a little bit of transparency or clarity in the steps. We have worked on the performance program and performance evaluation to improve the process.

Joseph Schultz (Management): I could talk with Sara to see if we can tweak it. We don't know in HR if it has been denied. We may never know if the petition is denied and the person doesn't appeal it. That doesn't move anywhere.

Sara DeClemente-Hammoud (Management): The documentation is, but not outside of documentation.

Sean Massey (UUP): There is a piece of paper that moves through the system but there is no tracking of the paper but the paper.

Donald Kunkel (UUP): And the employee tracking. If a supervisor requests it, the employee may never know it was requested.

Sara DeClemente-Hammoud (Management): It would be pretty rare. A resume and a new performance program with updates have to be provided. They have to have all of the documentation signed up on. They need their involvement in the process.

Chris Sielaff (UUP): I have to look at Appendix A28 about notices. If it has been 45 days since the application was submitted, you can consider it a rejection and can make an appeal. There is no limit on the length of time after denial that an appeal can be made. Still going through the process, there is no limit after a year that you can't appeal it. It is up to the individual person to determine when enough time has passed. There should be some sort of record in writing of a rejection at some point.

Sean Massey (UUP): It seems a little vague.

Chris Sielaff (UPP): No clock. After 45 days you can begin to consider a rejection and they could file an appeal. There is no timeline after that point.

Joseph Schultz (Management): I think we do have a deadline. Forty-five days to appeal it. The way we count the levels if someone submits a petition to a supervisor and the supervisor approves it, it goes to the next level. The next level has 45 days to consider and approve that. If there are four levels of approval, it could be months. They have from the denial from whatever level to file an appeal.

Chris Sielaff (UUP): There might be some local process you are using that after a certain number of days the appeal is closed. The supervisor must make a determination within 45 days. Some campuses don't have it. It is a good idea that there is some sort of timeline.

Sara DeClemente-Hammoud (Management): The document says, "Appeals must be filed within 45 days."

Donald Kunkel (UUP): Forty-five days of notice of a denial?

Sara DeClemente-Hammoud (Management): Yes.

Sean Massey (UUP): Clearly there is some vagueness or lack of understanding across campus. It would be useful to come up with a way to improve communication. Don, we may need to create a fact sheet or something in order to clarify. You do workshops on that.

Donald Kunkel (UUP): I usually do a workshop a month before the window of opportunity.

Sean Massey (UUP): Thanks.

### **Update on COVID Testing**

Update on roll out of weekly testing. Implications of recent change away from using Upstate Medical. Clarification on the range of exceptions that are currently being made (e.g., details on exception for professionals who are coming to campus 1-day a week, etc.)

Sean Massey (UUP): Wow that was a miss. I got a lot of calls. I'm sure you did too. It was a great idea using Upstate Medical. We tried it for about 24 hours. Basically is that what happened?

Joseph Schultz (Management): Yes.

Sean Massey (UUP): Just making sure we are going back to the way it was before, testing every week. It is now everyone gets tested every week.

Joseph Schultz (Management): We are using limited poll testing for athletics. They have a separate process with their coaches and athletes. What happened on that Tuesday, it was a combination of two things? It was a new process with a separate registration coupled with we have a tremendous issue with getting employees to work surveillance testing. We still have an issue with getting enough employees to volunteer.

Sean Massey (UUP): My recommendation to solving the staffing problem is to pay people to do that. Other campuses are doing that or reassigning people. The idea of redeployment to those positions to help fill the testing sites. Or those who may be rehired due to fiscal challenges. Some other campuses use the issue of redeployment. It is optional but a way. If you are asking for labor you need to pay them but that would be my recommendation to deal with the staffing issue. Another issue is clarification of people with alternating week schedules. People on an A B weekly rotation. Could they be tested only every other week?

Joseph Schultz (Management): Sara has been dealing with this. You only test the week you are here.

Sean Massey (UUP): Is there anything on line or was there any notification of this that went out?

Joseph Schultz (Management): What happened in the beginning is we had 800 or 900 requests. When we send weekly reminders, they continue to ask. Really it is a one-on-one process. Here is my situation. There are so many different scenarios. It is easier to work on a one-on-one basis.

Sara DeClemente-Hammoud (Management): We've dealt with about a thousand requests, a third of all people of all employees. Regarding the FAQ guidelines, every scenario is a little unique. If you come to campus and have an interaction with people, working on the front line and working with people for four hours, those are the types of people we are looking at

Sean Massey (UUP): Personally I think testing is great. 1: We do have a standard structured weekly rotation built in, maybe for faculty on campus every other week. It is a pretty regular thing. The policy is when you only teach in person every other week, you can be excluded from coming to campus for testing on that off week. People just don't know that it is an exception that it is allowed. 2: There are folks, adjuncts who only come to campus for one class and have no other reason to come to campus. They have raised this issue of why they have to come to campus one week for testing and the other to teach in person. Coming to campus the extra week just for testing could increase their chances of contracting the virus. People don't know they have the right to opt out. 3: If you only come to campus for less than an hour or for a very short time, you can be exempt. Even if you do come to campus for a particular time, you don't have to be tested.

Joseph Schultz (Management): Faculty who are remote who come in once a week to get mail. We advise they come in on off hours when they aren't going to be having contact with anyone.

Sean Massey (UUP): That is actually unclear. People don't know that. Unless they are the ones that are really opposed to testing and contact you.

Joseph Schultz (Management): We couldn't cover every scenario. We are processing a thousand exemptions in a week. It is painful. We are dealing with the requests as they come in. The one hundred threshold didn't make any sense. That has changed. Really what we are looking at is our number depending on a two-week rolling period between four and five hundred. That gives us more flexibility than what we had.

Sean Massey (UUP): I have had some pushback from members but feel it is a reasonable decision. Any other questions about COVID?

### **Update on the Financial Position of the University**

*As things are changing rapidly, we'd like an update on any new information available on the fiscal position of our campus.*

Sean Massey (UUP): Can we have an update on financial things? We know things are changing rapidly. What do we know?

Joseph Schultz (Management): Since our last meeting, I don't know anything. Whatever round we are waiting on we haven't gotten from the State. No sense unless April when the State budget comes out. From a big picture, we really don't have any new information.

Sean Massey (UUP): I put this on the agenda hoping you can get some.

Joseph Schultz (Management): Only information we gathered is whatever money coming from the State to campuses, we haven't received that. Other than that, no update. Money from the State hasn't been allocated yet.

Sean Massey (UUP): What is our management doing?

Joseph Schultz (Management): The expectation is that we would have received it by now. Financials are asking SUNY where is the money.

Sean Massey (UUP): Are there any other items? Any below the line? That's it. Thank you.

Meeting ended at 12:42 p.m.